Amendments to the Claims:

This listing of claims will replace all prior versions, and listing, of claims in the application:

1-14.(Cancelled).

15. (Now Amended) A ~~polymorph~~ compound which is a polymorphic form of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, maleic acid salt, wherein said ~~polymorph has~~ compound provides at least one of:

(i) an infra red spectrum containing peaks at 1763, 912, 856 and 709 cm^{-1};

(ii) a Raman spectrum containing peaks at 1762, 1284, 912 and 888 cm^{-1};

(iii) a solid-state ^{13}C nuclear magnetic resonance spectrum containing peaks at 111.0, 113.6, 119.8, 129.1, 130.9, 131.8, 134.7, 138.7, 146.5, 152.7, 157.5, 169.5. 171.0, 178.7 ppm; ~~or~~ and

(iv) an X-ray powder diffraction ~~(XRPD)~~ pattern having calculated lattice spacings at 5.87, 5.30, 4.69, 4.09, 3.88, 3.61, 3.53 and 3.46 Angstroms.

16. (Now Amended) A ~~polymorph~~ compound according to claim 15, which ~~has~~ provides, in a mineral oil dispersion, an infra red spectrum substantially in accordance with Figure I.

17. (Now Amended) A ~~polymorph~~ compound according to claim 15 which ~~has~~ provides a Raman spectrum substantially in accordance with Figure II.

18. (Now Amended) A ~~polymorph~~ compound according to claim 15 which ~~has~~ provides a solid-state ^{13}C nuclear magnetic resonance spectrum substantially in accordance with Figure III.

19. (Now Amended) A ~~polymorph~~ compound according to claim 15 which ~~has~~ provides a solid-state ^{13}C nuclear magnetic resonance spectrum substantially in accordance with Table I.

20. (Now Amended) A ~~polymorph~~ compound according to claim 15 which ~~has~~ provides an X-ray powder diffraction pattern substantially in accordance with Figure IV.

21. (Now Amended) A ~~polymorph~~ compound according to claim 15 which ~~has~~ provides an X-ray powder diffraction pattern substantially in accordance with Table II.

22. (Now Amended) A ~~polymorph~~ compound according to claim 15 in isolated form.

23. (Cancelled).

24. (Cancelled).

25. (Now Amended) A process for preparing the ~~polymorph~~ compound according to claim 15, comprising:

suspending 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl] thiazolidine-2,4-dione, maleic acid salt in acetone; stirring the suspension at an elevated temperature for an extended period of time; and recovering the ~~polymorph~~ compound.

26. (Now Amended) A process for preparing the ~~polymorph~~ compound according to claim 15, comprising:

seeding a solution of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl] thiazolidine-2,4-dione, maleic acid salt in denatured ethanol at an elevated temperature with crystals of the ~~polymorph~~ compound; cooling the seeded solution; and recovering the ~~polymorph~~ compound from the denatured ethanol.

27. (Now Amended) A pharmaceutical composition comprising an effective, non-toxic amount of the ~~polymorph~~ compound according to claim 15 and a pharmaceutically acceptable carrier therefor.

28. (Now Amended) A method for the treatment or prophylaxis of diabetes mellitus, conditions associated with diabetes mellitus and certain complications

thereof, in a human or non-human mammal which comprises administering an effective, non-toxic, amount of the ~~polymorph~~ compound according to claim 15 to a human or non-human mammal in need thereof.

29. (Now Amended) A method for the treatment of Type II diabetes in a human comprising administering an effective, non-toxic amount of the ~~polymorph~~ compound according to claim 15 to a human in need thereof.

30. (Original) A method of claim 29, wherein the administrating comprises oral administration.

31. (Now Amended) A method of claim 30, wherein the ~~polymorph~~ compound is administered in the form of a tablet or capsule for said oral administration.

32. (Original) A composition according to claim 27 which is adapted for oral administration.

33. (Original) A composition according to claim 32 which is in the form of a table or a capsule for said oral administration.

34. (Now Amended) A ~~polymorph~~ compound which is a polymorphic form of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, maleic acid salt, wherein said ~~polymorph has~~ compound provides:

(i) an infra red spectrum containing peaks at 1763, 912, 856 and 709 cm^{-1};

(ii) a Raman spectrum containing peaks at 1762, 1284, 912 and 888 cm^{-1};

(iii) a solid-state ^{13}C nuclear magnetic resonance spectrum containing peaks at 111.0, 113.6, 119.8, 129.1, 130.9, 131.8, 134.7, 138.7, 146.5, 152.7, 157.5, 169.5. 171.0, 178.7 ppm; and

(iv) an X-ray powder diffraction ~~(XRPD)~~ pattern having calculated lattice spacings at 5.87, 5.30, 4.69, 4.09, 3.88, 3.61, 3.53 and 3.46 Angstroms.

35. (New) A pharmaceutical composition consisting essentially of an effective, non-toxic amount of the compound according to claim 15 and a pharmaceutically acceptable carrier therefor.

36. (New) A process for converting the compound according to claim 15 into a polymorph of said compound, comprising:

(a) preparing a solution of the compound according to claim 15 in a solvent at an elevated temperature;

(b) cooling the resulting solution;

(c) seeding the solution of step (b) with the polymorph of said compound;

(d) recovering the polymorph of the compound according to claim 15.

37. (New) A process according to claim 36, wherein said solvent is acetone or ethanol.

38. (New) A process according to claim 36, further comprising filtering the solution formed in step (a).

39. (New) A process according to claim 38, further comprising heating or concentrating said filtered solution.

40. (New) A process according to claim 36, wherein the solution is cooled at a rate of 1°C/min.

41. (New) A process according to claim 36, wherein the solution is seeded at a temperature of 50°C.